

EXHIBIT 1

Complaint

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

PHILLIP B. DETERDING,

Plaintiff,

vs.

USF REDDAWAY INC, a foreign corporation;
and LARRY J. COOK and JANE DOE COOK,
individually and the marital community composed
thereof,

Defendants.

NO. 23-2-08729-7

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff against the above-named Defendants, and state and allege as follows:

I. PARTIES & JURISDICTION

1.1 Plaintiff is now and was at all relevant times hereinafter alleged, a resident of Clallam County, Washington.

1.2 Defendant Larry J. Cook is now believed to be, and was at all relevant times hereinafter alleged, a resident of Pierce County, Washington. If this defendant is married, his acts and omissions hereinafter described were for and on behalf of the marital community. Defendant

1 Larry J. Cook has been timely and personally served with a copy of Plaintiff's Summons and
2 Complaint for Damages.

3 1.3 Defendant USF Reddaway Inc. ("Reddaway") is believed to be an interstate common
4 carrier based out of Oregon.

5 1.4 Defendant Reddaway is registered with the U.S. Department of Transportation under
6 DOT #: 62227.

7 1.5 The provisions of 49 CFR§301-399, commonly referred to as the "Federal Motor
8 Carrier Safety Regulations" or "FMCSR" are applicable to this case and Reddaway, and Larry J.
9 Cook were subject to and were required to obey these regulations at the time of the wreck and at
10 all relevant times prior to the wreck.

11 1.6 Upon information and belief, Reddaway is the owner of the tractor and trailer in
12 control of Larry J. Cook at the time of the incident.

13 1.7 Upon information and belief, at the time of the incident, Larry J. Cook was an
14 employee and/or agent of USF Reddaway Inc.

15 1.8 Based on information and belief, and at all times material hereto, Defendant
16 Reddaway is an Oregon corporation transacting business in Washington on the date of the wreck
17 through its employees, agents, and/or representatives acting within the court and scope of their
18 employment with USF Reddaway Inc.

19 1.9 The registered agent for Reddaway is 'C T Corporation System' and is located at
20 711 Capitol Way S. Ste 204, Olympia, Washington 98501-1267. Defendant Reddaway's registered
21 agent, C T Corporation System, has been timely and personally served with a copy of Plaintiff's
22 Summons and Complaint for Damages.

23

1 1.10 At all relevant times hereto, Defendant Reddaway was acting by and through its
2 employee/agents, including Defendant Larry J. Cook, and is responsible for the acts and/or omissions
3 of those employees and agents pursuant to *respondeat superior*, agency, negligent entrustment,
4 negligent hiring of an independent contractor, negligent routing, negligent dispatch, and similar
5 theory of law.

6 1.11 At all times relevant hereto, the Defendants were acting in joint enterprise.

7 1.12 Defendant Larry J. Cook is a resident of Pierce County, Washington, and Defendant
8 Reddaway transacts business in Pierce County, Washington.

9 1.13 The venue is proper in Pierce County Superior Court pursuant to RCW 4.12.025.

10 1.14 Jurisdiction is proper in Pierce County Superior Court pursuant to RCW 2.08.010.

11 II. FACTS

12 2.1 On or about September 25, 2020, Defendant Larry J. Cook was operating a
13 commercial semi-truck with tractor trailer in the parking lot of 'Thurman Supply' at 1807 E. Front
14 St. in Port Angeles, Washington.

15 2.2 Defendant Larry J. Cook attempted to park the semi-truck with tractor trailer in the
16 parking lot of Thurman Supply.

17 2.3 Shortly after, Plaintiff Phillip Deterding parked his vehicle in the same parking lot
18 and exited his vehicle.

19 2.4 Defendant Larry J. Cook exited the semi-truck, failed to engage the parking
20 mechanism(s), and entered the tractor trailer.

21 2.5 While inside the tractor trailer, the semi-truck began to roll forward and westbound,
22 down the hill and toward Plaintiff Phillip Deterding, Plaintiff's truck, and a building named
23 'Okasan Japanese Restaurant'.

2.6 At the same time, Plaintiff Phillip Deterding's vehicle was parked in the southwest corner of the 'Thurman Supply' parking lot, facing southbound.

2.7 Plaintiff Phillip Deterding was outside of his vehicle, standing near the passenger side, when the Defendant's semi-truck with attached tractor trailer struck the driver side front panel of Plaintiff's truck.

2.8 The rotation of Plaintiff's vehicle forced it to directly strike Plaintiff, knocking him to the ground, and rotate over the top of him.

2.9 Plaintiff's right leg became lodged in the rear differential of the truck.

2.10 Plaintiff's left foot became lodged in the rear tire, in an everted fashion.

2.11 Defendants' semi-truck and tractor trailer continued its uncontrolled roll and slammed into the sidewall of 'Okasan Japanese Restaurant'.

2.12 Plaintiff sustained serious bodily injuries and other damages as a result of the collision.

III. CAUSE OF ACTION--NEGLIGENCE

3.1 Plaintiff re-alleges the allegations contained in Sections I through II and incorporates them as though fully set forth herein.

3.2 Defendants owed Plaintiff a duty of care and a duty to act reasonably.

3.3 Defendant Larry J. Cook breached his duty of care and his duty to act reasonably by, among other things, failing to safely operate a commercial vehicle and causing a collision into Plaintiff and Plaintiff's vehicle.

3.4 Defendant Larry J. Cook breached his duty of care and his duty to act reasonably by, among other things, failing to exercise ordinary care and causing a collision with Plaintiff and Plaintiff's vehicle

3.5 As a result of the Defendant's negligent conduct, Plaintiff was injured and incurred damages, including without limitation, past and future medical expenses, past and future lost earnings, pain, suffering, disability, loss of enjoyment, and other damages.

IV. CAUSE OF ACTION – NEGLIGENT HIRING, TRAINING, RETENTION & SUPERVISION

4.1 Plaintiff re-alleges the allegations contained in Sections I through III above and incorporates them as though fully set forth herein.

4.2 Defendant Reddaway owed Plaintiff a duty of care and a duty to act reasonably by conducting safe and reasonable hiring practices to ensure drivers operating company vehicles were fit to be behind the wheel, to provide adequate training to their agents, contractors or staff regarding the safe operation of motor vehicles while conducting business, and by retaining employees who failed to meet this standard.

4.3 Defendant Reddaway further breached its duty of care and its duty to act reasonably by failing to properly supervise agents, contractors, and staff, including Defendant Larry J. Cook, regarding the safe operation of the company's vehicles while conducting business.

4.4 As a result of the negligent hiring, training, retention, and supervision practices committed by Defendant Reddaway, Plaintiff was injured, and sustained damages.

V. CAUSE OF ACTION—NEGLIGENCE ENTRUSTMENT

5.1 Plaintiff re-alleges the allegations contained in Sections I through IV and incorporates them as though fully set forth herein.

5.2 Defendant Reddaway owed Plaintiffs a duty of care and a duty to act reasonably.

5.3 Defendant Reddaway breached its duty of care and its duty to act reasonably by, among other things, negligently entrusting a commercial motor vehicle to Larry J. Cook, a person

1 they knew or should have known was reckless and/or incompetent and/or heedless to operate a
2 commercial motor vehicle.

3 5.4 As a result of Defendant J.J. Sauter Trucking, Inc.'s tortious and negligent conduct,
4 Plaintiffs were physically and emotionally injured, suffered, and continue to suffer, physical
5 disability and pain, emotional trauma, medical expenses, and other damages.

6 **VI. CAUSE OF ACTION – AGENCY OR VICARIOUS LIABILITY**

7 6.1 Plaintiffs re-allege the allegations contained in paragraphs I through V and
8 incorporate them as though fully set forth herein.

9 6.2 Defendant Reddaway is vicariously liable for the negligent, grossly negligent
10 and/or reckless acts and omissions committed by Larry J. Cook, under the legal principles of
11 *respondeat superior*, master/servant, and/or agency principles.

12 6.3 As a result of Defendants Larry J. Cook and Reddaway's conduct and omissions
13 described herein, Plaintiff has suffered injuries and damages, both past and future, including
14 without limitation, past and future medical expenses, pain, suffering, disability, and other damages.

15 **VII. NO CONTRIBUTORY NEGLIGENCE/COMPARATIVE FAULT**

16 7.1 Plaintiff re-alleges the allegations contained in paragraphs I through VI and
17 incorporate them as though fully set forth herein.

18 7.2 The damages suffered by Plaintiff were not caused by any fault, carelessness, or
19 negligence on his part, but were caused solely and proximately by the tortious acts and/or
20 omissions of Defendants.

21 7.3 There are no other entities which caused or contributed to Plaintiff's injuries or
22 damages.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, as follows:

1. For all damages sustained by Plaintiff in an amount proven at trial, including past and future medical expenses and other health care expenses, pain and suffering, both mental and physical, past and future permanent partial disability and disfigurement, loss of enjoyment of life, damages to property, past and future special damages, and other damages;

2. Interest calculated at the maximum amount allowable by law, including pre- and post-judgment interest;

3. A reasonable attorney's fee as allowed by law;

4. Costs and disbursements pursuant to statute; and

5. Other and further relief as this Court may deem just and equitable.

Dated this 3rd day of August 2023.

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